HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 14193 of 2002

Dated 4th July, 2002

Between
Smt. Fasahat Quadri

…Petitioner

and

Municipal corporation of Hyderabad,
Rep. By its Commissioner, Hyderabad, and, anr

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 14193 of 2002

ORDER:

In this Writ Petition, the petitioner seeks Writ of Mandamus to declare the action of the respondents in taking steps to demolish the house bearing No.12-2-417/C/27 situated at Gudimalkapur, Hyderabad without issuing prior notice and opportunity as illegal and arbitrary.

It is the case of the petitioner that she is the owner of house bearing No. 12-2-417/C/27, situated at Gudimalkapur, Hyderabad. It is stated that the petitioner had purchased the open plot from its earlier owner, by name, Miss.Zubeda Khanum and constructed house in the year 1994 and same was also assessed to the property tax by the Deputy Commissioner, Circle No.4. It is the grievance of the petitioner that though the petitioner is regularly paying tax as assessed by the

respondent authorities, in spite of the same, the respondents are taking steps to demolish the said house without issuing prior notice and opportunity.

Counter affidavit is filed by the Assistant City Planner, Circle-IV stating that the petitioner had made constructions unauthorizedly in the open plot, which is not covered by any layout as required under Section 388 of the Hyderabad Municipal Corporation Act, 1955. It is further stated that they did not make any effort to demolish the said house as pleaded by the petitioner, and they will follow due process of law in the event of taking any such steps against the petitioner.

As much as it is stated in the counter affidavit that the respondents will follow due process of law in the event of taking any steps against the said house property of the petitioner, I dispose of the Writ Petition directing the respondents not to demolish the house of the petitioner bearing No.12-2-417/C/27, situated at Gudimalkapur or any part thereof, otherwise than by due process of law as contemplated under the Hyderabad Municipal Corporation Act, 1955 and building bye-laws framed thereunder.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 4-7-2007.
Msnr.